

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Warangal District – Issue of Local Scheduled Tribe Agency Area Certificates – Cancellation of Local Scheduled Tribe Agency Area Certificate by the District Collector, Warangal vide Proc.No.C5/3342/2010 dated 27.04.2011 - Appeal filed by Sri Banoth Mohan, S/o.Valya, R/o.Dabeerpet, Khanapur (M), Warangal District - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.44

Dated:03.10.2023.

Read the following:-

- 1.Proceedings No.C5/3342/2010 dated 27.04.2011 O/o. the District Collector, Warangal.
- 2.Appeal petition filed by Sri Banoth Mohan, S/o.Valya, R/o.Dabeerpet, Khanapur (M), Warangal District, dated .05.2023.
- 3.Govt.Memo.No.741/TW.LTR/2023-1&2, dated 19.07.2023 and 14.08.2023.
- 4.Govt.Notice No.741/TW.LTR/2023, dated 19.07.2023, 27.07.2023 and 14.08.2023
- 5.From the District Tribal Development Officer, Warangal District Lr.Rc.No.R3 /261/2023, dated 25.08.2023.

ORDER:-

In the reference 1st read above, the District Collector, Warangal District has cancelled the Local Scheduled Tribe Agency Area Certificate bearing Rc.No.C/4256/2005, dated 03.11.2005 of Sri Banoth Mohan, S/o.Valya, R/o.Dabeerpet, Khanapur (M), Warangal District for the following reasons:

- i) Tahsildar, Khanapur Mandal has reported in Lr.No.C/379/2009, dated 15.09.2010 that the Agency Certificate bearing Rc.No.C/4256/2005, dated 03.11.2005 was issued to Sri Banothu Mohan S/o Valya R/o Dabeerpet village of Khanapur Mandal. As per instructions of the District Collector, Warangal, genuine of it was enquired into with reference to GO Ms.No.3, SW Department, dated 10.01.2000 wherein it was found that parents of the individual were migrated from Redlawada village of Nekkonda Mandal to Dabeerpet village of Khanapur Mandal (40) years back and residing there from 1970 onwards. Hence, recommended for cancellation of the Agency Certificate since they did not reside in the village since 26.1.1950.
- ii) Applicant attended before the DLSC on 28.9.2010 and submitted his explanation.
- iii) When the matter was referred to Revenue Divisional Officer, Narsampet, he conducted enquiry and submitted report vide Lr.No.E/44/2010-11, dated 11.11.2010 that during enquiry at Dabeerpet, the candidate stated that his parents are residing at Dabeerpet village since 1948. He produced Sada Bainama of 1948 related to land but there is no mention of Sy.No. to confirm as per Revenue Records. As per the Census of India, 1951, Hyderabad. The local enquiry revealed that the individual/parents or their forefathers have not resided in Dabeerpet agency village since 26.1.1950 to till date continuously as required under GO Ms.No.3, SW (TW.Edn.II) Department dated 10.01.2000. Therefore, the Revenue Divisional Officer, Narsampet reported that the local ST certificate issued by the then Tahsildar, Narsampet Mandal vide Rc.No.C/4256/2005, dated 03.11.2005 to Sri banothu Mohan S/o Valya R/o Dabeerpet village of Khanapur Mandal is liable to be cancelled keeping in view of Government orders in GO Ms.No.3, dated 10.01.2000.

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- iv) On perusal of connected record, oral and written evidences, detailed enquiry report submitted by the concerned Tahsildar and Revenue Divisional Officer and from the written explanation of the candidate/his parents, the DLSC came to a conclusion that there is no concluding evidence to prove that either the candidate or his parents have resided in the Agency area village continuously from the year 1950. Therefore, the DLSC had proposed for cancellation of the local ST certificate issued to the individual.
- v) In view of the recommendations of the DLSC and after examining reports of the Tahsildar concerned, Revenue Divisional Officer, Narsampet and explanation of the individual, the local ST certificate bearing No.C/4256/2005, dated 3.11.2005 issued by the Tahsildar, Khanapur Mandal was cancelled.

2. Aggrieved by the above cancellation orders of the District Collector, Warangal, vide reference 2nd read above, the appellant Sri Banoth Mohan, S/o.Valya, R/o.Dabeerpet, Khanapur (M), Warangal District has filed the present Appeal before the Government under GO Ms.No.24, Tribal Welfare (LTR) Department, dated 12.6.2018. The appellant has been provisionally selected for the post of Secondary Grade Teacher in DSC 2008 vide Hall Ticket No.21200104275 under Agency Area Local ST category. In the Appeal, the appellant has contending as follows:

- i) He belongs to ST Lambada community and permanent resident of Dabeerpet village in Khanapur Mandal of Warangal District since the times of his forefathers continuously even before 1950. The Dabeerpet is a notified agency/scheduled village and thus treating him as local Scheduled Tribe of Dabeerpet village, the Tahsildar, Khanapur after causing discrete enquiries issued him the Local ST Candidate Certificate bearing Rc.No.C/4256/2005, dated 03.11.2005.
- ii) The authorities have no powers to deal with cancellation of his Agency Area Local ST certificate under Act 16 of 1993 and Rules 1997 as it deals with cancellation of only Caste Certificates but not the Agency Area Local ST Certificates.
- iii) Government vide GO Ms.No.24, Tribal Welfare (LTR) Department, dated 12.6.2018 has executive orders detailing guidelines to be followed during enquiry, issue and cancellation of the Agency Area Local ST certificates. Therefore, he has submitted the present Appeal before the Government in terms of GO Ms.No.24, dated 12.6.2018 against cancellation orders of the District Collector, Warangal.
- iv) He is the permanent resident of Dabeerpet village where his ancestors lived continuously even prior to 1950. They have immovable property i.e. agriculture land, house in the village – but the DLSC has not considered any of these facts and recommended for cancellation and the District Collector, Warangal without affording him any opportunity has straight-away cancelled his Local ST certificate which is not in accordance with the law as prescribed in the Act 16 of 1993 and rules issued there under in the year 1997.
- v) If Dabeerpet village was shown as DESERTED in the Census 1951 – how the village exists till now and how the Tahsildar, Khanapur has issued him the local ST certificate of Dabeerpet. At the time of Census Survey, there might be few finger - countable hutments which might have been not taken into consideration and shown the village as DESERTED but the fact is that it has emerged as a big village now with Gram Panchayat having a population of about 1500.

- vi) In support of his claim that he belongs to the Agency Area Local ST Candidate of Dabeerpet village, he has submitted following documents:
- a) Certificates of educational qualifications right from 1st class to Graduation and B.Ed.
 - b) Community and Date of Birth Certificate issued by the Tahsildar, Khanapur bearing Application No. CND021503752801, dated 07/12/2005 wherein it was certified that the appellant belongs to Lambadis-28 (ST) community and native of Dabeerpet village in Khanapur Mandal. His Date of Birth is 20.07.1985.
 - c) Local Scheduled Tribe Certificate bearing Rc.No.C/4256/2005, dated 03.11.2005 issued by Mandal Revenue Officer, Khanapur – wherein it was certified that he and his parents have been residing in Dabeerpet village in Khanapur Mandal since 1950 which falls within the Scheduled Area.
 - d) Family Tree
Banoth Bheela is great grandfather. He has four sons namely Banoth Ramu (grandfather); Banoth Lakshman, Banoth Bheemla and Banoth Desya.

Banoth Ramu (grandfather) has three sons viz., Banoth Valya (father); Banoth Chakru and Banoth Nanda.

Banoth Valya (father) has three sons namely Yakya, Mohan (appellant) and Sreenu.

Banoth Chakru (paternal uncle) has two sons namely Banoth Vagya and Banoth Raju.

Banoth Nanda (2nd paternal uncle) has two sons namely Banoth Ravi and Banoth Srinu.
 - e) Election Identity Card No.AP/39/266/354057 issued to his father Banotu Valyi S/o Ramu on 08.12.1995 – residence was recorded as H.No.1-34/1, Dabberpet.
 - f) Election Identity Card No.FBB2379287 issued to me by the Electoral Registration Officer, Narsampet on 22.5.2003 wherein his residence was recorded at H.No.1-34/1, Dabirpeta Block-1, Dabirpet.
 - g) Household White Ration Card No.WAP212901900096 issued by Mandal Revenue Officer – wherein family of Banoth Valya (father of appellant) was shown at H.No.1-67, Dabeerpet, Khanapur Mandal.
 - h) Aadhar Card No.2666 8462 4085 issued to the appellant wherein his residence was recorded as H.No.1-67, Ram Naik Thanda, Dabeerpet, Khanapur, Warangal District.
 - i) Pahani for the year 1948-49 – Rajupeta village, Narsampeta Taluq – wherein name of Banoth Lalu youngest brother of his great grandfather was recorded.
 - j) Pahani for the year 1965-66 – Dabirpet village – name of Banoth Sakru (his paternal uncle) was recorded under Sy.No.11/21 for an extent of acs.2.00 gts.

- k) Pahani for the year 1968-69 – Dabeerpet village – wherein name of Banoth Ramu S/o Bheemla (his grandfather) was recorded for an extent of acs.1.00 in Sy.No.11/26.
- l) Pahani for the year 1983-84 – Dabeerpet village – Gudur Taluq – name of Banoth Ramu S/o Bheemla was recorded for the extents of 0.12 gts, 1.00 acre, 1.02 gts.
- m) Certificate bearing Rc.No.B/712/2012, dated 07.12.2012 issued by the Tahsildar, Khanapur that the revenue record pertaining to the year 1950-51 was lost when the office was blasted by unknown extremists on 7.8.1990.
- n) Panchanama recorded by Mandal Revenue Inspector on 23.6.2015 wherein it was stated that ancestors of appellant possessed agricultural land in Rajupeta village of Narsampet Mandal as per pahani 1948-49.
- o) Dabeerpet Gram Panchayat Resolution dated 03.11.2010 wherein it was resolved that Banoth Mohan (appellant herein), his father, grandfather and great grandfather have been continuously living in Dabeerpet village even prior to 1950.
- p) Dabeerpet PESA Gram Sabha Resolution dated 22.5.2023 wherein it was resolved that the family of Banoth Valya has been continuously living (since 70 years) in Dabeerpet village.
- q) Copy of Procs.No.E2-B/898/97, dated 9.12.1997 of Project Officer, ITDA Eturunagaram, wherein his cousin Sri Bantoh Vagya (son of Chakru i.e. younger brother of father of appellant) R/o Dabirpeta village was appointed as Single Teacher under Agency Area Local ST category.

3. In the Appeal, the Appellant has stated that in spite of submitting all documentary evidences before the DLSC, the authorities did not consider his case and recommended for cancellation of his Local ST certificate which was issued by the Tahsildar, Narsampet after causing discrete enquiries.

4. The Appellant further stated that he belongs to poor ST Lambada community and got provisionally selected to the post of SGT under Agency Area Local ST category through DSC 2008 and due to declaring him as not local ST, he has been deprived of the appointment orders and thus meted out grave injustice in spite of being a local ST candidate of Dabeerpet agency village in Khanapur Mandal of Warangal District. Therefore, the appellant prayed the Government to be kind enough and ALLOW his Appeal in the interest of justice treating him as local ST of Dabeerpet agency village in Khanapur Mandal of Warangal District.

5. In the reference 3rd read above, Government have admitted the above Appeal petition under G.O.Ms.No.24, dated 12.06.2018 and requested the District Collector, Warangal District, the Project Officer, ITDA, Eturnagaram, Mulugu District and Tahsildar, Khanapur Mandal Warangal District to submit connected records documents pertaining to the case along with para-wise remarks.

6. In the reference 4th read above, Notice was issued to the Appellant to attend for hearing on 26.08.2023 at 3.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant Sri Banoth Mohan, S/o.Valya has present and submitted copies of documents which contain same documents already filed along with his Appeal. The District Tribal Development Officer, Warangal has present and submitted copies of available documents related to the present appeal in the reference 5th read above, which contain cancellation proceedings of the District Collector, Warangal, copies of land records produced by the appellant, certificates of his educational qualifications etc. The following documents are additionally enclosed:

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- i) Advance Receipt dated 19.6.1948 in token of sale of land 0.20 gts by Boina Peddulu S/o Narsaiah R/o Dabeerpet village, Narsampet Taluq to Banoth Ramu S/o Bheela R/o Dabeerpet, Narsampet Taluq (advance amount is Rs.40/-). As per Family Tree, Banoth Ramu is grandfather of the appellant herein.
- ii) Sada sale agreement dated 20.7.1955 executed by Yalam Kichaiah and Yalam Narsamma in favour of Banoth Ramu S/o Bheela R/o Dabeerpet village, Narsampet Taluq regarding sale of their land ac.1.00 for a sale consideration of Rs.200/- situated in Sy.No.16. As per Family Tree, Banoth Ramu is grandfather of the appellant herein.
- iii) Agreement dated 3.4.1955 executed by Eeka Sammaiah R/o Dabeerpet village, Taluq: Pakhal in favour of Banoth Ramu S/o Bheelya R/o Dabeerpet village, Pakhal Taluq regarding sale of house site measuring 0.20 gts for a sale consideration of Rs.100/-. As per Family Tree, Banoth Ramu is grandfather of the appellant herein.
- iv) RoFR Title deed issued to Banoth Valya S/o Ramu (father of appellant) for an extent of acs.3.80 in Dabeerpet village of Khanapur Mandal.

7. On perusal of the documentary evidences submitted by the Appellant and documents made available by the District Tribal Development Officer, Warangal during hearing on 26.8.2023 and in view of the above findings, it is found that there is no substantiating evidence except report of the Tahsildar, Khanapur Mandal dated 15.09.2010 and Revenue Divisional Officer, Narsampet dated 11.11.2010 that basing on the local enquiry they stated that forefathers of the Appellant were migrated from Redlawada village of Nekkonda Mandal which formed basis for cancellation of local ST certificate of Appellant by the District Collector, Warangal, whereas all the above documents amply prove that the Appellant and his forefathers have been continuously living in the Dabeerpet agency village in Khanapur Mandal of Warangal District from 1948-49 onwards.

8. Government after careful examination of the matter, hereby allow the Appeal filed by Sri Banoth Mohan, S/o.Valya, R/o.Dabeerpet Village, Khanapur (M), Warangal District, treating him local ST candidate of Dabeerpet agency village in Khanapur Mandal of Warangal District and Local ST Certificate bearing No.C/4256/2005, dated 03.11.2005 issued by the Tahsildar, Khanapur Mandal as genuine duly setting aside orders of the District Collector, Warangal in Proceedings No.C5/3342/2010 dated 27.4.2011.

9. The District Collector, Warangal shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The District Collector, Warangal District (By RPAD)
Sri Banoth Mohan, S/o.Valya, R/o.Dabeerpet,
Khanapur (M), Warangal District -506132 (By RPAD)

Copy to:-

The Commissioner and Director of School Education, Telangana State, Hyderabad.

The District Educational Officer, Warangal District

The Project Officer, ITDA, Eturnagaram, Mulugu District

The District Tribal Development Officer, Warangal District.

The Tahsildar, Khanapur Mandal, Warangal District

The P.S. to Hon'ble Minister for ST Welfare.

The PA to Secretary (TW).

The PA to Special Secretary (TW).

Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER.